

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

**MELYNDA MICHELLE FISHER,**

*Plaintiff,*

**vs.**

**SETON FAMILY OF HOSPITALS,**

*Defendant.*

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**NO. 1:18-cv-1108-RP**

**PROPOSED JOINT STIPULATION OF FACTS**

Plaintiff Melynda Michelle Fisher and Defendant Seton Family of Hospitals (“Seton”), hereby stipulate to the following facts:

1. Seton is a hospital network in the Greater Austin Area and a member of Ascension Health, a faith-based, not-for-profit healthcare organization.
2. On July 18, 2016, Seton hired Ms. Fisher as a full-time Medical Assistant.
3. During the duration of Ms. Fisher’s employment, Seton had 50 or more employees within a 75-mile radius of Fisher’s worksite.
4. On or about July 18, 2017, Ms. Fisher became eligible for FMLA.
5. On or about July 31, 2017, Sedgwick, Seton’s third-party leave administrator, approved Fisher’s request for intermittent FMLA leave, from July 18, 2017, through January 17, 2018, to care for her mother “who has Alzheimer’s and requires full-time care.”
6. Sedgwick sent Fisher a Notice of Eligibility and Rights & Responsibilities, which informed her that she was “required to report all intermittent absences by calling Sedgwick’s Absence Reporting Line” and to report her “intermittent absences according to [her] attendance policy.”

7. The Notice of Eligibility and Rights and Responsibilities granting Ms. Fisher the right to take intermittent FMLA leave stated that Ms. Fisher “requested leave beginning on July 18th, 2017 due to the fact that [she] needs to care for [her] mother due to their serious health condition.” Ms. Fisher’s FMLA certification covered five absences per week of eight hours each.

8. Kendall Sharp, Advance Practice Supervisor in the Developmental Pediatrics Department, supervised Ms. Fisher from August 2017 through November 15, 2017.

9. Between August 21, 2017 and November 13, 2017, Sedgwick approved 45 days of FMLA for Ms. Fisher.

10. On or about November 15, 2017, Seton terminated Ms. Fisher’s employment.

11. Ms. Fisher obtained subsequent employment on or about March 25, 2018.

12. Ms. Fisher’s last hourly rate of pay was \$17.69 per hour.

Respectfully submitted,

/s/ Kell A. Simon (w/permission)

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**ATTORNEYS FOR DEFENDANT SETON  
FAMILY OF HOSPITALS**

**CERTIFICATE OF SERVICE**

On the 30th day of April, 2021, I electronically submitted the foregoing document with the Clerk of Court for the U.S. District Court, Western District of Texas, Austin Division, using the Electronic Case Filing system of the Court. I hereby certify that I have served all counsel of record via the Court's e-filing system as follows:

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/s/ Melissa J. Ackie

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